

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY NOVEMBER 17, 2017**



The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor McDevitt

Roll called, the following members present:

Supervisors Leggett, Girard, McDevitt, Braymer, Brock, MacDonald, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Sokol, Thomas, Hyde, Geraghty and Conover -19; Supervisor Vanselow absent-1

Motion was made by Supervisor Girard, seconded by Supervisor Thomas and carried unanimously to approve the minutes of the October 20, 2017 Board Meeting and the November 3, 2017 Special Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Conover declared the Public Hearing on Warren County Sewer District (Industrial Park) Assessment Roll open at 10:02 a.m. and he requested that Amanda Allen, *Clerk of the Board*, read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment, there being no response, he declared it closed at 10:03 a.m.

Continuing, Chairman Conover declared the Public Hearing open on the 2018 Tentative Warren County Budget at 10:03 a.m. and Mrs. Allen read the Notice of Public Hearing aloud.

Privilege of the floor was extended to any members of the public wishing to speak on the 2018 Tentative Warren County Budget.

Bill Loeb, *City of Glens Falls Resident*, stated he was pleased he would be returning in January as a member of the Board, and noted he was grateful for Supervisor Brock's efforts during his tenure. He informed elected officials were elected by their district to run the government of their community. He continued, the members of the Board of Supervisors were elected by their constituents to manage the County; however, he noted, it was the responsibility of the Department Heads to oversee their individual departments. He apprised the Board was responsible for two things, the first of which was to hire the best candidates possible for Department Head positions and the other was to provide those individuals with the resources and tools necessary to ensure those Department Heads were equipped to do their jobs appropriately. He informed the Board would be voting on the Budget today which he equated to the tool required for these Department Heads to carry out the duties required of them. He commended the Department Heads for the exceptional jobs they were doing. He remarked he was confident that Supervisor Thomas had done a good job putting together the proposed 2018 County Budget since he had a proven track record of doing so and that the Board would follow through and discuss it.

Travis Whitehead, *Town of Queensbury Resident*, apprised he would like to discuss the 2018 proposed

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County Budget which he believed Supervisor Thomas did as good a job with as anyone in the room could have done given the circumstances; however, he noted, he felt the proposed 2018 County Budget was a good indicator of the fact that the ends did not meet, as supported by the significant amount funds used from the Unappropriated Fund Balance. He remarked he thought the use of funding from the Unappropriated Fund Balance for the County Budget was a trend that had been on-going since 2015 when the County peaked financially. He apprised what he would really like to discuss today was not the proposed 2018 County Budget, but rather what the continued use of the Unappropriated Surplus meant in a broader context, instead of only discussing it one day a year, or nothing would change. He said it was necessary for them to review it over the entire year in order to make changes. He reminded them Supervisor Montesi had requested a copy of the Multi-Year Plan at the November 3rd Special Board Meeting and was told it would be made available before the Supervisors were asked to vote on the proposed 2018 County Budget. He advised when he asked 24 hours ago where the Multi-Year Plan was he was told it was unavailable; he noted he and Chairman Conover received copies of it right before the meeting commenced. He said he hoped the full Board were provided with copies of the Plan, as well since it was the best document to use to get an idea about the impact on the Unappropriated Fund Balance going forward which, he noted, was used by the State Comptroller's Office, as well as many others to determine the fiscal health of the County. He advised the balance of the Unappropriated Fund Balance peaked in 2015, but decreased the following year and was estimated to continue to dwindle down each year thereafter through 2021, painting a rather grim picture for the future. He stated the County Budget before them today was not the issue, but rather the fact that the ends did not meet which meant they needed to determine how they would be able to make them meet. He pointed out the proposed County Budget took full advantage of the State Tax Cap by leaving only \$81,000 of the millions of dollars on the table for next year, which was minuscule. He advised although he was not pleased that \$688,000 was cut from Road Projects, he understood it was required to make ends meet; however, he noted, going forward other items should be cut back on instead of roads. He commented what scared him the most was that these were good times with record sales tax receipts and the future estimate forecasts this to continue, but if something were to occur such as a stock market crash or a dwindling tourist market then the financial outlook for the County would go bad rapidly. He pointed out if the surplus fund were to get much lower than the 14% of the County expenditures available the County could show up on the State-wide report that indicated anyone below 10% was in fiscal distress which, he noted, was not a good report to be included on. In comparison, Mr. Whitehead informed the Town of Queensbury had 54% of its expenditures available in its Fund Balance, noting somewhere in the middle of 54% and 14% would be a comfortable position in terms of financial outlook. He pointed out the Multi-Year Plan indicated the County would be under financial stress in upcoming years unless some sort of action was taken to prevent this. He apprised the downward trend that commenced in 2016 could be referred to as "spilled milk" if he were to bring up certain things; however, he noted, if they did not take into consideration past mistakes there would be little chance of correcting them in the future. He continued, the one glaring thing to him was the \$1 million that would be expended each year over the next twenty years for what was currently an empty building, the construction of which was proceeding on time and on budget, only because the budget and timeline had been changed, and yet he had not heard one complaint about the fact there were now two Family Court Judges, but the construction of the new Court House was not complete. He referred to this Project as one mistake that was made which was water over the dam, noting going forward the Board needed to think about Projects such as these when they were brought before them. He reminded them they had punted on a proposition from the Current FBO (*Fixed Based Operator*) at the Airport which would result in the County saving over \$400,000 a year, as no action has been taken on this for the better part of the year even though the savings realized would be significant. He implored for them to think about and discuss these types of things all year because the one thing he got out of the proposed County Budget was the ends did not meet and the indication from the Multi-Year Plan was the financial outlook for the County would continue to dwindle rapidly over the next few years, all without a recession.

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George Weinschenk, *Town of Bolton Resident*, apprised the County had missed a golden opportunity with regards to the Court Expansion, as they could have erected a second story over the current space which would have lined up with the second floor of the Municipal Center Building, resulting in what he estimated to be a significant savings. He stated he was not bringing this to their attention to be critical, but to point out they did not look to the future when making decisions. He reminded them they paid for a study to be done on the traffic issue surrounding Exit 20 of the Adirondack Northway and yet no action had been taken, much like the hundreds of other studies completed for the County. He advised he had been requesting that a traffic light be installed off of the southbound exit of Exit 20 of the Adirondack Northway for 20 years now because of how the traffic became backed up on the Northway during the summer season and yet no action had been taken to rectify this. He said although this was not directly a County issue, the Board could put pressure on the State to take the necessary steps to rectify this. He said the patches on pavement of the Adirondack Northway were a direct result of him calling the State repeatedly every week. He added some of the mile markers on the Adirondack Northway were also re-erected because the State found it difficult to determine the location of the pot holes he was reporting by using trees, etc. He mentioned he had expended a significant amount of money on wheel alignments for his vehicle because of the deplorable conditions of the State roads in the north country. He apprised the State used a classification system to determine when their roads should be paved, but they were patching them instead in areas such as the Adirondack Northway and State Route 9N, which should have been paved years ago. He reiterated it was the responsibility of the Board to put pressure on the State officials so the roads would be taken care of properly. He stated he saw a report on television which infuriated him regarding the fact that the money which should have been used to pave the roads here was used to build a new bridge in New York City so the Head of the NYSDOT (*New York State Department of Transportation*) would not have to be stuck in traffic on the way home from work every night. He said the taxpayers from this area should have stopped this from occurring by complaining, as it was necessary to prevent the State officials from using the taxpayers money for whatever they wanted rather than expending it appropriately. In regards to Occupancy Tax, Mr. Weinschenk stated he had voiced his opposition when it came to fruition here due to the lack of limitations on what the funds could be expended for. He said he was more comfortable when the County was running at a deficit because this caused the Supervisors to be more cautious with expending funds whereas when the County had surplus funds the incentive to be more cautious with funds was not relevant.

Chairman Conover once again called for any comments on the Public Hearing on the 2018 Tentative Warren County Budget, and there being no more, he declared it closed at 10:20 a.m.

Proceeding with the Agenda review Chairman Conover read aloud the listing of meetings he had attended since the last Board Meeting. He stated on October 31st he had attended the special meeting of the Criminal Justice & Public Safety Committee, the purpose of which was to discuss County-wide Emergency Services. He said going into 2018 this matter would be one of the top items the Board would be addressing in terms of a plan going forward. He apprised he had attended a Workshop Meeting at SUNY Adirondack on November 1st which he found to be very informative.

Chairman Conover then called for reports from Supervisors on the past months meetings or activities.

Supervisor McDevitt informed he had nothing to report on.

Supervisor Braymer, with Supervisor Brock's permission, reported on the October 30th Environmental Concerns & Real Property Tax Services Committee meeting wherein proposed Resolution Nos. 436, 437 and 454 were approved. She informed the fuel tanks discussed at the meeting were removed this past Monday from the property in the Town of Johnsburg and she thanked acting Johnsburg Town

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Supervisor Gene Arsenault for his assistance with the prior land owner, as well as the NYSDEC (*New York State Department of Conservation*) for acting quickly to remove the tanks before inclement weather commenced. In regards to the public auction, Supervisor Braymer informed it went smoothly, noting the amount of revenue garnered from the auction was well over the total past due amount. In conclusion she apprised she would like to address the County Attorney position which was very important and should be vetted thoroughly which was why she felt second interviews were required before a decision was rendered regarding who to hire. Chairman Conover interjected that he would like Supervisor Braymer to hold off on her comments regarding the position until the portion of the meeting where resolutions were discussed. Supervisor Braymer responded that she would like to be afforded the opportunity to make this comment because she had other ones regarding the resolution, but this specific one pertained to bringing the resolution to the floor which she did not believe she would be afforded the opportunity to discuss later. Chairman Conover advised he would provide her with the opportunity to make her comments.

Supervisors Brock and MacDonald indicated they had nothing to report on.

Supervisor Frasier reported on the October 24th meeting of the Health, Human & Social Services Committee, wherein proposed Resolution Nos. 438-442 were approved, and she provided a summary of each. She stated the Support Services Committee had also met on October 24th, during which they referred requests for transfers of funds to the Finance Committee.

Supervisor Simpson apprised the Public Works Committee had met on October 23rd during which proposed Resolution Nos. 443-446 were approved and he provided a brief overview of each.

Supervisor Dickinson reported on the November 8th meeting of the Occupancy Tax Coordination Committee, wherein proposed Resolution 456 was approved which he requested support of.

Supervisor Merlino stated the Tourism Committee had met on November 8th, approving proposed Resolution No. 432. Supervisor Merlino apprised the Park Operations & Management Committee had also met on November 8th, during which they approved proposed Resolution Nos. 462 and 463 and he provided a summary of each.

Supervisor Strough stated the Legislative & Rules Committee had met October 21st during which they discussed the 911 Surcharge revenue and distribution following Supervisor Geraghty volunteered to draft a letter to the State Legislative representatives regarding the allocation of the 911 revenues that would point out the current inequities of the current distribution.

Supervisor Seeber informed she had attended the Workshop Meeting at SUNY Adirondack on November 1st during which the goals moving forward from the perspective of the College, the County and the students were discussed. She said she found this meeting to be very informative, noting Washington County held a separate meeting with SUNY Adirondack regarding the same subject matter. Supervisor Seeber apprised the Airport Advisory Group had met on November 14th during which they discussed the County's proposal to host a Fly-In Event which they referred to the County Facilities Committee. She said in the idea of recognizing that transition planning is crucial, the County encouraged all of their Department Heads to do so. She continued, in Performance Evaluations they discussed how effective the goals were regardless of whether it was a Department Head position, or an entity or a group. She informed the Airport Advisory Group had implemented a transition plan by replacing her as Chair of the Group with Supervisor Sokol, who had agreed to take on this roll into the new year which she was appreciative of. She added the Airport Advisory Group had done a self-evaluation which determined their meetings were effective and were able to meet several of the goals set for the Group. She said their

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plan going forward was to review their mission statement at the next meeting and determine what amendments were required. She thanked the Group members for their service, as she believed their meetings had been both interesting and productive during her tenure as Chair. Supervisor Seeber stated that the Personnel & Higher Education Committee had met on two occasions this month, November 2nd and November 14th, approving proposed Resolution Nos. 448-449, 461 and 467. She stated they had decided to continue accepting applications for the County Administrator position, as no end date had been listed. In conclusion she stated proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, was before them today even though the original goal of the Committee had been to conduct second interviews this afternoon for the position; however, she noted, following a heated discussion during executive session it was determined second interviews were not necessary. She encouraged members of the Board to give this a second thought due to the importance of the County Attorney position. She thanked Mary Elizabeth Kissane, *Acting County Attorney*, and Brian Reichenbach, *Special Counsel to the County*, who were both present today for providing the County with their legal expertise, but, she noted, this was a leading position for the County which many thought they would have an opportunity to conduct second interviews with candidates for since the initial interviews of nine candidates only consisted of basic questions and lasted on average about twenty minutes each. Chairman Conover interjected that he would like Supervisor Seeber to hold off on her comments regarding proposed Resolution No. 467 until the discussion on resolutions portion of the meeting, as the report of Committee Chairs was confined to discussing Committee meetings. In response to Chairman Conover, Supervisor Seeber informed she was reporting on the meeting of a Committee she was the Chair of. Chairman Conover reminded Supervisor Seeber he Chaired the Board meeting and he again requested that she hold off on making comments until they were discussing resolutions.

Supervisor Beaty advised Julie Butler, *Purchasing Agent*, had returned from medical leave which meant she would be working on shared services. He informed he had personally contacted the Superintendent of the Queensbury Union Free School District to come up with new and innovative ways to save the Municipalities and School Districts the taxpayers money due to his expertise managing the largest school district in the County. He said he was hopeful the Superintendent would think of ways for everyone to share services resulting in savings. He apprised of his plan to be more aggressive in contacting other Superintendents of key School Districts in the County asking for their input, as well. He added he would also be commenting on proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, unless he was not afforded the opportunity to do so to which Chairman Conover replied he would permit those comments at the appropriate time.

Supervisor Montesi apprised the Criminal Justice & Public Safety Committee had met on October 24th, wherein proposed Resolution Nos. 431-435 were approved and he provided a brief overview of each. In regards to after hours arraignments, he apprised it was critical that each Town Supervisor contact their local Justice to ensure they were on board with the proposed concept following which a resolution would need to be adopted by the Town Boards stating such and then returned to the District Attorney's Office. He stated Brian LaFlure, *Director, Office of Emergency Services/Fire Coordinator*, had been part of a New York State team who responded to a Hazardous Material Rail Incident in Fort Covington, New York. He said the County would benefit from Mr. LaFlure taking part in this exercise, as it provided him with experience should an event such as this ever occur in the Town of North Creek. Supervisor Montesi advised the installation of the waterline at the Fire Training Center was complete thereby allowing the equipment which was currently stored at the former Ciba Geigy site to be moved to the Training Center before the end of the year.

Supervisor Sokol stated the regular Finance Committee meeting was held on November 2nd, and the following proposed resolutions were approved this month by them: Resolution Nos. 429-430, 450-453,

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459 and 463-466. He highlighted proposed Resolution Nos. 459, *Adopting Salary and Compensation Plan for 2018*, 465, *Authorizing Senior Account Clerk in the Treasurer's Office to Enroll in Job-related Courses*, and 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*. He stated last month Donald Boyajian, *Founding Partner, Dreyer Boyajian, LLP Attorneys at Law*, had made a presentation on behalf of Simmons Hanly Conroy, *a National Law Firm*, to represent the County in opioid litigation. He said they, along with the Law Firms of Brindisi, Murad & Pearlman, LLP and Napoli & Shkolnik, PLLC all gave excellent presentations. He said Ms. Kissane distributed a list of questions which each perspective law firm was asked and their responses were provided at the November 14th Finance Committee meeting, following which the majority of the Committee voted in favor of awarding the contract to Napoli & Shkolnik, PLLC. He stated the hope was joining the lawsuit during the early stages would result in the County receiving more compensation if it resulted in a successful outcome. In conclusion he offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan informed due to the efforts of Senator Little, Chairman Conover, Supervisor Geraghty, Michael McCarthy, *of McCarthy & Conlon, CPA*, and Larry Paltrowitz, *Legal Counsel for the County*, the County's appeal for payment for the Co-Gen Project at the former Westmount Health Facility were approved. He said the County had already received a payment of \$489,728.64 and were anticipating the receipt of an additional payment of approximately \$340,000 by the end of the month for a total of slightly less than \$850,000 in payments which, he noted, was significantly more than the original anticipated payment of \$767,000 projected when the appeal process commenced. He offered privilege of the floor to Mr. Paltrowitz to answer any specific questions.

Mr. Paltrowitz said this was good news for the County, reminding them the NYSDOH (*New York State Department of Health*) had disallowed certain expenditures relating to the Co-Gen facility at the former Westmount Health Facility for the years 2009-2014 for which the County filed rate appeals with regard to the Medicaid rate that did not include those expenditures. He continued, as Mr. Swan just indicated the County was notified the NYSDOH had granted all of the County appeals for all six years and the first of two payments had arrived, with the second one anticipated before the end of the month for about \$340,000, for a total payment of around \$840,000. He advised Mr. McCarthy had confirmed that all the calculations for the amount of money that was owed to the County for those six years were approved and correct. He commented he was pleased the matter resulted in a positive outcome and he thanked Chairman Conover, Supervisor Geraghty, Mr. Reichenbach, Ms. Kissane and Mr. McCarthy for the assistance they provided on the appeal process. He reiterated this was good news for the County and he asked whether anyone had questions for him.

Mr. Whitehead questioned why Mr. Paltrowitz was "taking a bow" for himself and Mr. McCarthy since the original estimate in 2005 from Siemens was for \$3 million, but had since been reduced first to \$2 million and then again to \$750,000 which, he noted, was a significant decrease. Mr. Paltrowitz responded he was unsure of where Mr. Whitehead's figures originated from. He said when the appeals were filed they were for 100% of the amount the NYSDOH had disallowed for the years 2009-2014. He mentioned the NYSDOH used a process to calculate what the Medicaid rate should have been if you included those years. He continued, when you looked at the Medicaid days for the years 2009-2014 and you multiplied that by the Medicaid adjustment for the Co-Gen expenses that were disallowed it resulted in a number which was in the mid \$800,000's. He apprised he was aware as indicated by Mr. McCarthy the receivable that was placed on the books for Westmount was within the \$700,000 range which he believed to be a conservative estimate at that time of what the rate calculation would be. He added this did not mean the County received more than it was entitled to, but rather everything it was entitled to because it was a pure calculation of the rate which was adjusted multiplied by the number of Medicaid days from 2009-2014. He commented what was positive about this was the fact that the

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NYSDOH accepted the County's position with regard to the entire Co-Gen expense issue.

Supervisor Sokol thanked Supervisor Seeber for allowing him to take over as the Chair of the Airport Advisory Group. He stated they had discussed the Northeast Fly-in Event at the November 14th meeting which if the County was successful in its bid to host would result in 350 aircrafts coming to the Airport to put their planes on display during which these pilots would stay in local hotels and be patrons of local business and restaurants. He stated the Airport Manager was working with members of the Group on the request to host the event in 2019 or 2020.

Supervisor Thomas provided an overview of the October 27th meeting of the Budget Committee during which they reviewed the proposed 2018 County Budget following some minor changes were made. He called their attention to the Multi-Year Plan; a copy of which was included in the items distributed at the Board Meeting. He pointed out as compared to the previous Multi-Year Plan, the bottom line for 2020 increased from \$1.5 million to \$6.2 million. He said this meant the proposed 2018 County Budget benefitted the financial outlook of the County going forward; however, he noted, the improvement was not as good as some would like it to be.

Supervisors Hyde and Leggett indicated they had nothing to report on.

Supervisor Girard apprised the County Facilities Committee had met on October 30th, wherein they approved proposed Resolution Nos. 447 which he provided a brief summary of. He stated he was pleased to report the Buildings and Grounds crew had constructed a new roof for the Cornell Cooperative Extension Building, as the previous one had surpassed its life expectancy. He pointed out in recent years a significant amount of improvements had been made to the building to ensure it was more energy efficient. He commented the roof replacement was another improvement provided by the County, along with the restoration of their funding to allow them to return to a five day a week operation. In regards to the Court Project, Supervisor Girard stated he thought Kevin Hajos, *Deputy Superintendent of Public Works*, was going to attend today's meeting to provide a detailed explanation regarding the status of the Project, but he was not present. Chairman Conover suggested they invite him to attend the November 29th County Facilities Committee meeting to provide the update there and Supervisor Girard concurred. Supervisor Girard apprised the Project had reached the stage where the Family Court could be moved into the new Facility, but this required a significant amount of coordination to move the furniture, etc.; he added they planned on getting all parties impacted together to comprise a plan to schedule the move sometime in February of next year. He said following the move, they could proceed into Phase II of the Project which consisted of demolition and renovation of the old space. He added this would also ensure the contractors remained on site rather than being moved to a different job site thereby keeping things moving along well. He said they were about three months ahead of schedule due to the favorable weather conditions over the last year, noting the budget for the project remained on target. He apprised Mr. Hajos was better equipped to explain how much planning and work was required for this move, as it may require working on nights and weekends and shutting down the Courts all of which would have to be coordinated with the Court Staff to determine how to make this work. He remarked he believed the Court Project was working out much smoother than when the HSB (*Human Services Building*) was constructed, as there were many issues that came to fruition during that particular Project, but thus far the Court Project was running smoothly.

Chairman Conover advised he felt it was appropriate for Mr. Hajos to attend the County Facilities Committee meeting to provide an update on the Project. Supervisor Girard informed Mr. Hajos had indicated he would be working with representatives of Clark Patterson Lee to go over all of the issues associated with the move and then meeting with the Courts to gather their input following which a meeting would be scheduled with the Core Team overseeing the Project to discuss the matter further.

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Chairman Conover remarked it would be appropriate for them to review the time table and the plans for the move at the County Facilities Committee meeting. Supervisor Montesi added they were unsure of when the new furniture for the Courts would be arriving, noting this would impact the move, as well.

Continuing to the report by the acting County Administrator Supervisor Geraghty recognized the following people for their years of service to the County which he said was greatly appreciated:

- * Stephanie Gheen for 20 years of service to the Probation Department
- * Jerry Ballinger for 20 years of service to the Countryside Adult Home
- * Steve Delorenzo for 30 years of service to the Sheriff's Office

Supervisor Geraghty then read aloud a listing of the meetings he attended since the October 20th Board Meeting; a copy of which is on file with the items distributed at the Board Meeting. He stated he attended the Adirondack Local Government Review Board with Supervisor Simpson following which they attended the Association of Towns and Villages meeting during which they discussed how pleased they were that Proposition No. 3 was adopted in New York State, as this would have a positive impact on the Middleton Bridge in the Town of Horicon. He noted Supervisor Simpson was in line to be appointed the Chairman of the Association of Towns and Villages next year. He stated the Intercounty Legislative Committee of the Adirondacks meeting was held yesterday in St. Lawrence County during which they toured a wood pellet manufacturing plant which he found to be very interesting. He pointed out this was a depressed market because much of the areas lumber was transported to Canada.

Privilege of the floor was extended to Ms. Kissane, to provide a report from the County Attorney. Ms. Kissane advised that she had nothing to report on.

Chairman Conover then called for the reading of communications, which Mrs. Allen read aloud, as follows:

Reports from:

1. Report of Criminal and Family Workloads for September 2017 from the Warren County Probation Department.
2. Warren County Department of Weights & Measures Monthly Report for October 2017.

Capital District Regional Off Track Betting Corp. September 2017 surcharge check in the amount of \$3,983

Counties of Warren and Washington Industrial Development Agency proposed 2017 Budgets

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 429-460 were mailed; she noted proposed Resolution Nos. 432 and 456 were amended after mailing and a motion was needed to approve these revisions. The necessary motion was made by Supervisor Montesi, seconded by Supervisor Thomas and carried unanimously. She informed that proposed Resolution Nos. 461-467 were prepared after mailing and a motion was necessary to bring the proposed Resolutions to the floor. The necessary motion was made by Supervisor Strough and seconded by Supervisor Thomas to bring the aforementioned proposed Resolutions to the floor.

Supervisor Beaty advised he would like a roll call vote on proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*.

Supervisor Braymer stated as was eluded to before, several of the Personnel & Higher Education Committee members desire was to conduct second interviews before selecting a final candidate which was why she would be voting in opposition to the motion to bring proposed Resolution No. 467 to the

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floor. She said she did not think it was appropriate for them to consider the resolution before them today, as second interviews were required to learn more about the final candidates and get a greater consensus from the Supervisors on both this process and the final selection.

Chairman Conover called the question and the motion to bring proposed Resolution Nos. 461-467 to the floor was carried by majority vote with 665 in favor (*Supervisors McDevitt, Frasier, Simpson, Dickinson, Merlino, Strough, Montesi, Sokol, Thomas, Hyde, Geraghty, Leggett, Girard and Conover*) 299 against (*Supervisors Braymer, Brock, MacDonald, Seeber and Beaty*) and 36 absent (*Supervisor Vanselow*).

Chairman Conover called for discussion and public comment on the proposed resolutions, as well as requests for roll call votes.

In regards to proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, Mr. Whitehead stated he would concur with Supervisor Braymer that the Board should be examining the pool of candidates more thoroughly. He remarked he was not disputing, nor would he have any way of knowing, whether they were picking the best candidate from the pool of candidates who were interviewed, but it would be his observation that no County in this State or any other State for that matter would be considering a candidate who had been a lawyer for five years to be their County Attorney. He pointed out as good at her job as Ms. Kissane may be, she only had five years of experience. He remarked it appeared to him the pool of potential candidates needed to be expanded to ensure as Mr. Loeb stated earlier, that the best individual for the any Department Head position was selected. Mr. Whitehead remarked he was pleased to see according to proposed Resolution No. 456, *Approving the 2018 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*, less funding would be allocated to the Towns of Bolton and Queensbury, as he believed the previous amounts allocated to them had not been expended in a responsible manner. He stated the Town of Queensbury's 2018 Budget included \$35,000 for Occupancy Tax, and he said the Supervisors should be concerned if these funds were used for similar items as last year, such as the \$13,000 allocated to pay for fertilizer for Jenkins Field which had nothing to do with occupancy. He reiterated this was an example of why the Board should be taking the funding away from the Town of Queensbury. He continued, a similar amount of occupancy tax funds were allocated to pay for the printing and mailing of color brochures to all of Town of Queensbury residents which he believed was a misuse of the funds. He pointed out the hotels would have to rent \$855,000 in rooms in order to generate \$35,000 required to pay for the fertilizer for Jenkins Field and the color brochures distributed to the Town residents. He said it would have been more appropriate for the Town of Queensbury to use the tax dollars generated from its residents to fund these items rather than occupancy tax.

Brad MacGowan, Town of Queensbury Resident, thanked the members of the Board who were leaving at the end of the year for their service, noting he was looking forward to working with those who would remain on the Board in 2018 as a newly elected Supervisor at-large for the Town of Queensbury. In regards to proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, he apprised of his concern that the Board was rushing to fill the position, as he believed the new Board members, such as himself, should be afforded the opportunity to assess some of the people they would be working with for the next two years. He suggested they hold off on filling the position until the beginning of the year to allow the many new members of the Board to weigh in on the matter, noting he did not believe holding off for one month would have a negative impact.

Mr. Loeb advised the proposed Resolutions which were addressed and debated at Board Meetings had typically gone through the Committee meeting process and were to the point where it was necessary to determine whether the Board was supportive of them or not. He recalled when he previously served

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on the Board, resolutions were sometimes tabled because a Board member had expressed a lack of understanding. He said he concurred that moving forward with a resolution even though a Board member had expressed concerns regarding the process they were involved with almost bordered on dysfunction, as every member should be part of the process and comfortable with the end result so a decision could be rendered. In regards to the County Attorney position, since there were several Supervisors who were uneasy with the process he felt they should hold off on making a decision until all of the questions brought forward today were answered and everyone was comfortable making a decision.

Supervisor Simpson requested a roll call vote on proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation.*

Supervisor Seeber requested roll call votes on proposed Resolution Nos. 461, *Introducing Proposed Local Law No. 1 of 2018 and Authorizing Public Hearing Thereon*, 456, *Approving the 2018 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*, and 432, *Authorizing Attendance at 2018 In-State and Out-of-State and Canadian Motorcoach Trade Shows/Sales Blitz/Marketplaces by Tourism Department Personnel.*

Supervisor Simpson recalled he had previously stated at the November 14th Finance Committee meeting that entering into opioid litigation would not solve the issue they were trying to address. He said the purpose of the lawsuit was to force those responsible for the crisis to provide financial assistance to the entities impacted by it such as social services, mental health, health insurance, etc.; however, he noted, he felt they should be looking outside of the box for a solution, as previous matters addressed through litigation had failed to solve the root issue which was why he could not support proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation.*

Supervisor McDevitt advised he could not foresee any alternative solution to address the opioid crisis, as a revenue source was imperative to do so. He commented that drug companies had made extravagant amounts of money through false advertising which promised individuals long-term relief by taking their medication thereby resulting in addiction. He stated the question before them was how the County could meet the challenges going forward in terms of EMS, mental health, etc. which were a direct result of opioid addiction other than recouping some of its associated expenses.

Supervisor Sokol informed proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*, was approved by the Finance Committee with the underlying premise that the purpose of these drugs was for short-term pain relief, but the doctors were prescribing them for long-term pain relief thereby resulting in those being prescribed them becoming addicts. He apprised the purpose of the litigation was to stop the doctors, drug manufacturers and distributors from allowing this to occur. He pointed out there was previous litigation involving Simmons Hanly Conroy, *a National Law Firm*, which had garnered success with opioid litigation by achieving a settlement of \$75 million on behalf of 5,000 claimants. He concluded by stating he felt it was a worthwhile resolution to support.

Supervisor Seeber concurred with Supervisor Simpson that they should look into an alternative method to address the issue, noting she had been reluctant to support proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*, during the November 14th Finance Committee meeting. She voiced her appreciation of the time the law firms who submitted proposals to represent the County in this litigation took to

present to the Committee on the matter; however, she noted, her concern related to the Tobacco Settlement and how only a portion of those funds were allocated to the intended recipients. She remarked she was not confident the revenue acquired if a settlement was achieved would be allocated to the intended sources despite the fact that the resolution specifically stated the funds would be allocated to first responders, mental health, social services, etc. which was why she would be voting in opposition of the proposed Resolution today.

Supervisor Leggett asked for clarification purposes whether the intent of proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*, was for the County to pursue litigation to gain a revenue stream to assist with paying for the services the County was already paying for which were associated with opioid addiction by recouping some of the funds from those who were responsible for the issue and Chairman Conover replied in the affirmative. He explained the intent of the litigation was to make the taxpayers whole for the cost of this issue. He added another question was how these funds would be utilized if the lawsuit was successful.

Supervisor Brock remarked he believed those involved with the opioid market had been educated to ensure they achieved the highest profit margin possible regardless of the morality involved which was why the only way to make an impact would be to punish them through financial consequences. He stated although litigation would not eradicate the issue it would impact them through the financial ramifications as a result of a lawsuit. He said proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*, was an avenue the County could use to modify the behavior of those involved with opioid drugs to the point they would be less aggressive with their sales tactics for these drugs which was why he would be voting in favor of it.

Supervisor MacDonald stated while he believed this lawsuit would not eradicate the issue totally, he felt it was important the County was seen taking a stand on this issue. He said for himself proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*, was representative of the County taking an aggressive position that they did not accept what this epidemic was doing to their communities.

Supervisor Simpson advised it was necessary for them to consider how they measured their success because if they were successful in obtaining a large settlement from this litigation it would result in higher medical care costs for those they were trying to provide assistance to. He commented he believed there was a better solution out there such as possibly using the funds which were being expended now by the region on this crisis to focus on what was creating individuals to rely on these drugs. He mentioned the drugs were very beneficial when used for their intended purpose such as end of life scenarios. He stated opioid prescription and heroine use were interrelated which was why increasing the cost of the opioids as a result of this lawsuit would trigger individuals to use heroine thereby providing no solution to the issue, but rather increasing the cost to everyone as consumers of health benefits.

Supervisor Beaty commented he believed Supervisors Simpson and McDevitt were both making valid points on the matter which he concurred with. He continued, he agreed with Supervisor Brock that those who participated in the false marketing of these drugs needed to be punished for doing so. In regards to Supervisor Simpson's remark that it was necessary for more action to be taken locally on the issue and assist those impacted by it here, as he felt confident everyone present today knew someone who was impacted by this issue. He questioned why they could not pursue hurting them financially through litigation while also becoming more aggressive with the assistance provided to those impacted

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by this in the region. He apprised he would be voting in favor of proposed Resolution No. 466, *Authorizing an Agreement with Napoli & Shkolnik, PLLC to Represent Warren County with Regard to Opioid Litigation*; however, he noted, he was open to any suggestions Supervisor Simpson had regarding how the County could take a more active role to fight this epidemic on the local level, as well.

Supervisor Braymer inquired how proposed Resolution No. 460, *Levying Tax - City of Glens Falls - 2018*, had come forward, as she could not recall this being done in previous years and Mrs. Allen responded proposed Resolution No. 460 concerned an annual action which was done in coordination with the City of Glens Falls Budget. She explained it pertained to the tax which was levied for the City of Glens Falls thereby allowing the City to be aware of what figure to include in their annual Budget.

A motion was made by Supervisor Seeber and seconded by Supervisor Braymer to table proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, due to a lack of majority vote, with 403 in favor (*Supervisors Braymer, Brock, MacDonald, Seeber, Beaty, Sokol and Hyde*), 561 against (*Supervisors McDevitt, Frasier, Simpson, Dickinson, Merlino, Strough, Montesi, Thomas, Geraghty, Leggett, Girard and Conover*) and 36 Absent (*Supervisor Vanselow*).

Supervisor Seeber announced she would be voting in opposition of proposed Resolution Nos. 456, *Approving the 2018 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*, and 432, *Authorizing Attendance at 2018 In-State and Out-of-State and Canadian Motorcoach Trade Shows/sales Blitz/Marketplaces By Tourism Department Personnel*. In regards to these two proposed Resolutions, Supervisor Seeber informed her concern regarding both related to Occupancy Tax and what appeared to be an on-going effort to not listen to the experts in their community which was why she would be voting in opposition of them, as well as proposed Resolution No. 457, *Adopting Budget for Fiscal Year 2018*.

Supervisor Dickinson stated he had spent a significant amount of time with the experts in the community discussing proposed Resolution No. 456, *Approving the 2018 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*, which was why he was confused by Supervisor Seeber's remarks, noting there had been no behind the scenes efforts made. He informed the proposed Resolution would move the County forward in the direction that the business community had included in their plan which a number of Supervisors had seen. He mentioned he had discussed the proposed plan with many of the members of the business communities, all of whom expressed support of it.

In response to Supervisor Dickinson's remarks, Supervisor Seeber said she believed they were having a difference of opinion, as she had heard from a number of the members of the business community who were concerned with the plan, as well as previous applicants who had been awarded occupancy tax funds that they would not be afforded this opportunity going forward. She restated her opinion that the process was flawed. She reminded them they had ignored the recommendations included in the report prepared by BB&G, noting they had expended a significant amount of money to complete the study. She said although she was aware her voting in opposition of proposed Resolution would have no impact on the outcome, she wanted to ensure her reason for doing so was included on the record.

Supervisor MacDonald indicated he would like to comment on proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, which he had voted in favor of tabling because of how important the position was and because he believed there needed to be a strong consensus for the position. He mentioned he would have been in favor of allowing current, not future, Supervisor the

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opportunity to vet that process; however, he noted, he did support Ms. Kissane, as he felt experience was only as valuable as determined by a given individual. He added experience did not prevent mistakes, missteps or ill advised judgements and was not the end all in determining the validity of a candidate for a position. He pointed out they were not considering a candidate with no experience, as Ms. Kissane had more experience in this position than any of the other candidates. He remarked Ms. Kissane had been mentored, had a strong support system within the County and would rise to the occasion to provide excellent workmanship. He concluded by stating he hoped she would do a great job if the Board approved her appointment.

In regards to proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, Supervisor Beaty remarked the County Attorney position was the most important position within the County, as supported by the salary. He pointed out the Personnel & Finance Committee had participated in twenty to thirty minute interviews for the position following which they moved forward with appointing Ms. Kissane. He said although he thought Ms. Kissane could do a good job, he was unsure, noting he had not been afforded the opportunity to vet the other candidates because he was in Toronto attending the ceremony to induct Dave Strader, a personal friend of his, into the Hockey Hall of Fame and he apologized for not being able to be in two places at once. He questioned whether they were so naive they would make a decision regarding the most important position in the County after only having up to 30 minute interviews rather than moving forward with second interviews to allow Supervisors such as himself to meet with the candidates so an informed decision could be made. He commented he was embarrassed that he even had to bring this up, as he felt it was common sense. He pointed out one mistake by the County Attorney could cost the County a significant amount of money as supported by the ones former County Attorney Paul Dusek made. He said although Ms. Kissane may be the best candidate for the position, he would like the opportunity to interview her, as well as the other final candidates for which he would have a list of questions to ask each. He requested that the Board members consider using some common sense and do the right thing for the County by fully vetting the top position in the County. He concluded by stating if anyone questioned it being the top position, than why was it the highest paid position in the County.

Supervisor Seeber commented she thought it was unfortunate they were discussing an individuals performance in open session, noting they had previously been down that road during which was both damaging and hurtful to people. She continued, she felt it was irresponsible, noting her point in bringing up the motion to table proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, pertained to the flawed process, but not about a particular persons performance and she was disappointed that they were discussing it. She informed the process was flawed because they were not allowing the individuals who had worked very hard to become newly elected to the Board to listen to the interviews for the County Attorney and County Administrator positions, as this was just plain wrong. She apprised if there had been second interviews the Personnel & Higher Education Committee would be afforded the opportunity to talk more in depth regarding case examples and case scenarios and how each candidate would handle these matters. She pointed out the second interviews had been scheduled, but were subsequently cancelled so she felt it was critical for them to recognize new Board members would be coming on board, many of which had indicated they would like to participate in the hiring process. She questioned whether the Board felt these newly elected officials were unaware, noting this was false as supported by the fact that their constituents believed in them. She reiterated this was not about a specific individual, but rather how the process the County used to go about hiring top positions in the County. In regards to the County Administrator position she encouraged them to allow the newly elected officials to participate in the interviews for this position, as they would be interacting on a regular basis with whomever was selected for the position. She apologized to Ms. Kissane if she felt any of this pertained to her personally, as that was not the intent.

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Supervisor Strough informed he was in favor of transparency and openness; however, he noted, he was not comfortable with the fact that one of the candidates was lobbying some of the Supervisors to assure that they were appointed to the position. He remarked in his opinion this was unethical. He said he was not comfortable with the back door deals which he had not observed with Ms. Kissane. He apprised he trusted Ms. Kissane whom he believed to be honest, ethical, determined and intelligent which was why he would be voting in support of proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*.

During Mr. Strough's comments Supervisor Beaty raised the point that he was under the impression they were not going to discuss the performance of a particular individual and he asked for an executive session, but Chairman Conover denied the request, noting the floor belonged to Supervisor Strough.

In regards to proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, Supervisor Leggett stated he was a member of the Personnel & Higher Education Committee who conducted the interviews, during which he felt the process was carried out accordingly. He added the County Director of Human Resources was present during the interview process and could speak to it if necessary. He stated the process consisted of the following: advertising the position; accepting applications following which they were reviewed; four applicants were selected for interviews following which the Committee selected a candidate to appoint to the position. He said many members of the Board who were not on the Committee had expressed their discomfort with the Committee's actions; however, he noted, the Committee system which was part of the process had been followed. He mentioned there was an appeal to hold off on the process to allow those newly elected Supervisors to partake in the interviews, but if they were to follow through with this logic than the 2018 County Budget would not be voted on, as well because it impacted those who were not yet members of the Board. He concluded by stating he felt the correct process had been followed, as it was the same they used when other Department Head positions needed to be filled.

Supervisor Braymer stated she would be voting in opposition of proposed Resolution No. 467, *Appointing Mary Elizabeth Kissane as Warren County Attorney*, because although she concurred experience was not everything, the lack of depth and breadth of legal knowledge was something to be concerned about in the County Attorney's Office. She said she was taking the position as a lawyer herself, noting she was not eligible to serve as the President of the Warren County Bar Association until she had a minimum of ten years experience. She pointed out the Bar Association was a not-for-profit Organization that managed other attorneys while the County Attorney position was the most prudent legal position in the County and there were other candidates that should be considered. She said she wanted to ensure the public, as well as Ms. Kissane, were aware of why she would be voting in opposition. She added if Mr. Reichenbach was going to continue working as a consultant to the County Attorney's Office, she felt that contract needed to be renegotiated.

Supervisor Beaty advised he would like to comment on proposed Resolution No. 457, *Adopting Budget for Fiscal Year 2018*, noting he felt Supervisor Thomas did a good job preparing the Budget; however, he said, he could not in good conscious vote in favor of a County Budget that included a tax increase of slightly less than 3% when seniors, who were the most vulnerable people in society, were only receiving a 2% increase in their monthly social security payments next year and the year before that they received 3/10 of 1% and the County Budget was increased by 1.35%. He continued, in 2015 seniors received no increase in their monthly social security payments, while the County's Budget increased by 1.51%. He said this meant over the last three years the County had increased their Budget by a total of about 6% while senior citizens only received a 2.3% increase in their social security payments. He questioned how they could expect the seniors to have to figure out what to cut back on since their taxes were increasing at a higher rate than the monthly social security payments they lived off of. He asked

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whether they could have done a better job cutting back on the County Budget by entertaining the proposal from the Airport FBO, which would cut back the expenses there significantly and by scaling down the size of the Court Expansion, which he felt was much larger and more expensive than it had to be. He requested going forward the County Budget never be increased more than what the increase for social security monthly payments would be, as it was necessary to use common sense and take care of the residents.

Supervisor Brock inquired how much money the County was required to keep in the Unappropriated Surplus to prevent them from having to borrow money to pay the expenses and Supervisor Thomas replied he believed the Multi-year Plan required the balance to remain between \$10-\$16 million.

In regards to Supervisor Beaty's comments regarding the residents who were on the low end of the economic scale being adversely impacted, Supervisor Leggett pointed out the County's Public Health Department expended about \$15 million to take care of those who required the care the most, noting their budget had decreased slightly from the previous year. He said he felt compelled to point this out so everyone was aware not everyone was adversely impacted by the tax increase.

Chairman Conover called for a vote on resolutions, following which Resolution Nos. 429-467 were approved as presented.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter.

Mr. Whitehead stated he would like to point out a few facts regarding the reimbursement the County had just received relating to the Co-Gen Plant from the New York State Department of Health. He said in 2005 or 2006 when this was being discussed, Siemens approached the County about signing a letter of intent to pay for the engineering costs for the Co-Gen Plant which would be substantial if they determined not to move forward with a good deal which related to them providing the County with, at minimum, a budget neutral proposal that stated the County would not lose any money on this, following which it was accepted by the County. He continued, included within that budget neutral proposal was well over \$3 million in Medicaid reimbursements; however, he noted, they were notified today they would be receiving \$840,000 and a few hundred thousand had been collected additionally to that a few years ago, but it still fell well short of the more than \$3 million which was originally promised. He commented although the total amount they received was better than nothing, he wanted to sure they were aware a significant amount of money was lost there. He apprised a few years later Siemens brought them another energy savings proposal, but this time it was for the Warren County Municipal Center Building; he added the County Treasurer at that time sent letters to the Board discouraging them from going through with a deal that would require the County to expend \$4 million to generate \$5 in revenue. He stated these were the matters which the Board needed to pay better attention to. He advised recently the Town of Queensbury received a similar proposal for fifteen years during which they would only generate \$1 in revenue for the first fourteen years. He said while it was good the Town was not moving forward with this proposal according to the letter of intent they may be required to pay the engineering expenses for it. He cautioned the Board to be mindful going forward and listen to Department Heads such as the County Treasurer when they approached them with concerns.

Chairman Conover called for announcements.

Supervisor Beaty apprised in light of the fact that the Town of Queensbury had recently been faced with some challenges regarding the hiding of audits from New York State, he wanted to know now whether

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any audits were being conducted on any Department in the County that the Board was not aware of to ensure issues did not come forward in the future and Chairman Conover replied that there was an internal auditor who was charged with auditing all claims. He continued, in addition to that, the New York State Comptroller completed periodic audits which were expansive. Mr. Swan added the New York State Comptroller had completed a full audit of the County two springs ago during which the only issues brought forward were criticism of his mishandling occupancy tax enforcement and some questions with the Weights & Measures Department. He mentioned copies of the audit report were distributed to the full Board and this was the only one he was aware of at this point in time.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Frasier and seconded by Supervisor Dickinson, Chairman Conover adjourned the Board Meeting at 11:53 a.m.